



# Arizona State Senate Issue Brief

November 3, 2022

## Note to Reader:

The Senate Research Staff provides nonpartisan, objective legislative research, policy analysis and related assistance to the members of the Arizona State Senate. The *Research Briefs* series is intended to introduce a reader to various legislatively related issues and provide useful resources to assist the reader in learning more on a given topic. Because of frequent legislative and executive activity, topics may undergo frequent changes. Nothing in the Brief should be used to draw conclusions on the legality of an issue.

## ARIZONA'S SEAT BELT LAWS

### INTRODUCTION

Vehicle restraint systems include safety belts and child passenger restraint systems that are designed to reduce the risk of injury or death for the user when a motor vehicle is involved in an accident. Vehicle restraint systems are more commonly referred to as seat belts.

There are two main types of seat belt laws: primary enforcement and secondary enforcement. Primary enforcement laws allow peace officers to stop a vehicle because of a suspected seat belt violation, while secondary enforcement laws allow peace officers to issue a citation for a seat belt violation during a traffic stop for another violation.

According to federal law, commercial motor vehicle drivers and the passengers of property-carrying commercial motor vehicles must wear a seat belt if a seat belt is installed. Buses, trucks and truck tractors manufactured on or after January 1, 1965, must be equipped with a seat belt assembly that complies with applicable standards.<sup>1</sup> The U.S. Department of Transportation, through the National Highway Transportation Safety Administration, offers grant programs to states and conducts safety and public awareness campaigns, including the "crash test dummies" campaign. Grant monies were reauthorized for seat belt programs in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, which was signed into law in August of 2005.<sup>2</sup>

### ARIZONA SEAT BELT REGULATIONS

Arizona seat belt usage requirements apply to occupants of motor vehicles designed for up to 10 passengers that are manufactured for model year 1972 or later and required by Federal Motor Vehicle Safety Standards to be equipped with an integrated lap and shoulder belt or a lap belt. Arizona is a secondary enforcement state, except for children subject to child restraint system requirements. Persons who are unable to wear a seat belt for medical or psychological reasons and letter carriers for the U.S. Postal Service are exempt from seat belt requirements.

<sup>1</sup> 49 C.F.R. § 392.16; 49 C.F.R. § 393.93

<sup>2</sup> FHWA: SAFETEA-LU, 2005

Arizona requires the front seat occupants of a motor vehicle to use seat belts, where they are installed, while the vehicle is in motion. The driver of the vehicle is responsible for ensuring that all passengers under the age of 16 use seat belts while the vehicle is in motion, whereas front seat passengers are responsible for their own seat belt use. A peace officer may not stop a motor vehicle or issue a citation for a seat belt violation unless the officer has reasonable cause to believe there is another alleged violation. The maximum civil penalty for a person violating this law is \$10 for each violation.<sup>3</sup> Arizona does not prohibit or restrict passengers from riding in the cargo area of a pickup truck.

In 2021, the Legislature established a regulatory framework for the operation of autonomous vehicles that allows any adult accompanying a child under 16 years old in a fully autonomous vehicle operating with the automated driving system engaged to be cited for the violation of applicable seat belt and child restraint system requirements.<sup>4</sup>

### ***CHILD RESTRAINT SYSTEMS***

Arizona has primary enforcement child restraint system laws that require child restraint systems to: 1) meet federal requirements for the performance, design and installation of child restraint systems, such as rear-facing baby carriers and booster seats; and 2) be used according to the manufacturer's instructions. A person may not transport a child under five years old on the highway unless the child is properly secured in a child restraint system. Persons operating a motor vehicle when transporting a child who is at least five years old and under eight years old must ensure that the child is properly secured in a child restraint system, if the child is not more than 4'9". Arizona's child restraint laws do not apply to: 1) a vehicle originally manufactured without passenger restraints; 2) a recreational vehicle; 3) a person who operates a commercial motor vehicle and holds a current commercial driver license; 4) a

person transporting a child for a medical emergency or operating an authorized emergency vehicle transporting a child for medical care; and 5) a person transporting more than one child under eight years old in a motor vehicle without sufficient space for the required number of child restraint systems, if at least one child utilizes a child restraint system and as many of the other children as is reasonable are secured in child restraint systems.

A person who operates a vehicle with a child who is not properly restrained is subject to a \$50 civil penalty. The civil penalty is not assessed if the penalized driver subsequently equips his or her vehicle with a proper child restraint system. Monies collected from civil penalties for violations of Arizona's child restraint system law and public donations are deposited in the Child Restraint Fund (Fund). The Fund is administered by the Department of Child Services (DCS). DCS uses the Fund to purchase child restraint systems, which are loaned to indigent persons at no charge for as long the child restraint system is needed. Before discharging a newborn child from hospital care, hospitals and attending physicians must provide the parents with a copy of child restraint system laws and information regarding the availability of loaner or rental child restraint systems. If monies in the Fund exceed \$20,000, the excess monies are deposited in the Arizona Highway User Revenue Fund.<sup>5</sup>

### ***RESTRAINT SYSTEM SAFETY PROGRAMS***

Many local government agencies offer free inspections of child safety seats by certified technicians, who will ensure that the seat meets federal guidelines, is the right size for the child and is installed correctly. Inspection locations can be obtained through the Arizona Department of Transportation or the Governor's Office of Highway Safety (GOHS).

Established in 1993, the GOHS Children Are Priceless Passengers Program (CAPP)

<sup>3</sup> [A.R.S. § 28-909](#)

<sup>4</sup> [Laws 2021, Chapter 117](#)

<sup>5</sup> [A.R.S. § 28-907](#)

provides two-hour child safety classes, taught by nationally-certified child safety seat technicians, that provide: 1) instruction, in English and Spanish, on the effects of collisions, types and dynamics of child safety seats, and the correct installation and use of child safety seats; 2) supervised installation of class participants' child safety seats that are checked for proper installation by the instructor; 3) child safety seats to participants in need; and 4) a certificate of completion, which may be used to dismiss a citation. The public may participate voluntarily or, after receiving a citation for violating child safety laws, as an alternative to purchasing a new child safety seat and paying a fine. Participants must pay a \$35 administrative fee. As of 2022, there are nine locations currently offering CAPP classes throughout the state.<sup>6</sup>

The GOHS's "Buckle Up Baby" campaign educates drivers about the hazards of transporting children that are not properly secured. The GOHS operates a hotline that allows concerned citizens to make a report anonymously upon observing transportation of a child under eight years old that is not properly restrained. The GOHS will mail the registered owner of the vehicle information regarding child restraint system laws and encouraging the use of a proper child restraint system. The recipient's personal information is not provided to law enforcement or insurance companies.<sup>7</sup>

Through the GOHS annual "Buckle Up Arizona" campaign which occurs in conjunction with the "Click It or Ticket" campaign, law enforcement agencies implement a zero-tolerance policy for nonuse of safety belts during stops for other traffic infractions. GOHS grant funds are used for law enforcement overtime and associated expenses during the campaign. In 2022, the GOHS awarded a grant of \$20,000 to the Department of Public Safety to fund the "Buckle Up Arizona" enforcement campaign from May 23 to June 5 of 2022.<sup>8</sup>

### ADDITIONAL RESOURCES

- Governor's Office of Highway Safety  
[www.azgohs.gov](http://www.azgohs.gov)
- Arizona Department of Transportation  
Motor Vehicle Division  
602-255-0072  
[www.dot.state.az.us/mvd](http://www.dot.state.az.us/mvd)
- Arizona Department of Public Safety  
602-223-2000  
[www.dps.state.az.us](http://www.dps.state.az.us)
- National Highway Transportation Safety  
Administration, Region 9  
201 Mission St., Suite 2230  
San Francisco, CA 94105  
415-744-3089  
[www.nhtsa.gov/](http://www.nhtsa.gov/)
- National Safety Council  
1121 Spring Lake Drive  
Itasca, IL 60143-3201  
630-285-1121  
<http://www.nsc.org>
- Federal Child Safety Restraint System  
Regulations: [49 C.F.R. § 571.213](#)

<sup>6</sup> [GOHS: CAPP Program](#)

<sup>7</sup> [GOHS: Buckle Up Baby](#)

<sup>8</sup> [DPS Press Release, May 16, 2022;](#)

[GOHS: FY 2021 State of Arizona Highway Safety Annual Report](#)